

January 2, 2007  
Regular Session

Minutes

Members present

Kim Phillips- Chairman  
Tommy Garner- Vice- Chairman  
Joel Cornelius- Commissioner  
Chad Wagoner - Commissioner  
Brady Wooten- Commissioner

Others Present

Eric Williams-Interim County Manager  
Melinda Vestal-Clerk to the Board  
James Graham-County Attorney

Chair Phillips called the meeting to order. She reminded everyone that today was a day of mourning for the passing of former President Gerald Ford. Attorney Graham led the invocation. The Board had the pledge.

Chair Phillips asked to amend the agenda adding the Sheriff's Office.

**\*Commissioner Garner made the motion to amend the agenda adding the Sheriff's Office. Commissioner Cornelius seconded. The Board voted 5-0.**

Mr. Williams asked the Board to also add Gray Garrison to the agenda to discuss possible land purchase.

**\*Commissioner Wooten made the motion to add Gray Garrison to the agenda to discuss land. Commissioner Wagoner seconded. The Board voted 5-0.**

Public Comments

There were none.

Minutes

**\*Commissioner Wooten made the motion to approve the minutes with changes. Commissioner Wagoner seconded. The Board voted 5-0.**

**Land- Farm Bureau**

Jack Shore, Yadkin County Farm Bureau Representative, discussed with the Board the spending of millions of tax dollars to preserve open space and to improve water quality. He is concerned with how the funds are to be raised to purchase the land. The committee is suggesting new fees and additional taxes. Farm Bureau supports the preserving of working farms and forests. He stated the NCACC has tentatively voiced their support without considering the potential impact on county revenues and the present use value system. The final vote by the NCACC will be at the Legislative Goals Conference on January 11<sup>th</sup>. Mr. Shore requested the County withhold support until more questions can be answered.

Bud Matthews, Farm Bureau President, asked the Board to adopt a resolution against the Legislative passing this issue.

Commissioner Phillips asked if this was the same program as "Land for Tomorrow" which is buying the land with no taxes back to county.

Mr. Shore discussed buying development rights for farming. He strongly urged finding out more information before a decision is made.

**RESOLUTION  
of the  
YADKIN COUNTY BOARD OF COMMISSIONERS  
regarding  
PROPOSED "LAND FOR TOMORROW" LEGISLATION**

WHEREAS, the Land and Water Conservation Legislative Study Commission has developed recommendation(s) proposing the Legislature appropriate funds, or authorize a statewide bond issue, for the purchase of property with the goals of both preserving open space and improving water quality statewide; which is referred to as the "Land for Tomorrow" Initiative; and

WHEREAS, the "Land for Tomorrow" Initiative is one of the proposed 2007-08 legislative goals (under the environmental category) to be discussed and voted on by the North Carolina Association of County Commissioners membership during their upcoming Legislative Goals Conference on January 11<sup>th</sup> and 12<sup>th</sup>; and

WHEREAS, the current position of the Association is to "support legislative appropriations and or bond funding to protect the state's land, water and special places before they are irreversibly lost by increasing funding to the state's existing conservation trust funds which provide grants for land and water conservation projects in every county;" and

WHEREAS, the overall goals of the "Land for Tomorrow" Initiative are admirable, a number of unanswered questions and uncertain issues remain which are of

concern to both the Yadkin County Board of Commissioners and the Yadkin County Farm Bureau, Inc. including, but not limited to: 1. Specifics on how the state will raise the estimated \$1 billion for this Initiative? 2. How much of the money that is raised will go toward preserving working farms and forests? As well as if any funds raised are to be divided among existing and related trust funds, how and to which funds would those distributions occur? And 3. What will be the impact of removing thousands of acres of land from the county's tax roles? And finally 4. Where will the state find the money to manage all of the new lands it will own under the Initiative?

NOW, THEREFORE, BE IT RESOLVED by the Yadkin County Board of Commissioners on this the 2nd day of January, 2007 that while the "Land for Tomorrow" Initiative is commendable in principle we believe many questions remain to be fully explored by the Association to be sure that the common interests of the full membership, whether more rural or urban in nature, and the effects of this proposed legislation, be carefully considered during the Legislative Goals Conference.



Kim Clark Phillips, Chair  
Yadkin County Board of Commissioners

**\*Commissioner Wooten made a motion to adopt a resolution opposing the acquisition of land and taking it off the tax records. Commissioner Cornelius seconded. The Board voted 5-0.**

### **Sheriff**

Major Widener presented a list of vehicles which have been taken off the road. The Sheriff's Office is requesting the Board declare the vehicles surplus and list them on GovDeals.com.

**\*Commissioner Wooten made the motion to declare the vehicles surplus and to sell them on GovDeals.com. Commissioner Garner seconded. The Board voted 5-0.**

### **Property**

Gray Garrison, Garrison Realty, stated the developer for Dollar General Stores is wishing to build a new store of approximately 9,000 – 10,000 sq ft. This store would be a store of tomorrow adding more employees. The developer is interested in the lot beside Papa's Pizza (Mackie property). He asked the Board if they were interested in selling the property, if so he has a letter of intent to purchase the property.

Attorney Graham stated there are three ways to sell the property if the Board wishes to sell; public auction, sealed bids or advertise and receive bids (most popular).

The Board discussed the size of the lot and the design of the proposed building.

**\*Commissioner Cornelius made a motion to entertain the selling of the property. Commissioner Wooten seconded.**

The Board discussed zoning.

**The Board voted 5-0.**

Chair Phillips stated the property was purchased for \$215,000-\$220,000.

Mr. Garrison asked if he could make an offer on the lot.

Commissioner Wooten suggested going in closed session at the end of the meeting.

Mr. Garrison stated he could have an offer in hand by that time.

Chair Phillips stated she is not willing to sell the property for less than the original purchase price.

Mr. Garrison questioned the guidelines for upset bids.

Attorney Graham stated there were no guidelines, but he would double check.

### **Arts Council**

Chair Phillips reviewed a proposed resolution supporting the efforts of the Arts Council and their efforts to raise funds for the Yadkin County Cultural Arts Center.

### **RESOLUTION IN SUPPORT OF THE YADKIN CULTURAL ARTS CENTER**

Be it resolved that the Yadkin County Commissioners are in full support of and wholeheartedly endorse the concept of the new Yadkin Cultural Arts Center. We recognize and appreciate what this facility will mean to the citizens of Yadkin County.

Yadkin County's future has never looked brighter. There is new vitality and energy bolstered by a burgeoning wine industry and associated tourism. Significant economic growth is anticipated and being planned for. The new Yadkin Cultural Arts Center will be a centerpiece as Yadkin moves into the future. It will improve the quality of life for residents and enrich the education of children and adults in the community. The Cultural Arts Center will attract tourism and bolster economic growth. It will be the catalyst for community revitalization and provide a magnet for Yadkin residents and visitors to our area.

Our endorsement of this most worthy project is critical even at a time where other budgeting requirements may take precedent. The commissioners fully endorse the

success of the Cultural Arts Center project. Financial support to this project will be taken into consideration by the Yadkin County Commissioners.

S/Kimberly C. Phillips, Chair  
Yadkin County Commissioners

**\*Commissioner Cornelius made the motion to adopt the resolution. Commissioner Wagoner seconded. The Board voted 5-0.**

### **Public Comment Guidelines**

Chair Phillips read the current guidelines for public comments.

Commissioner Cornelius suggested adding to Item B that there be two speakers for and two against an issue.

It was the consensus of the Board to delete having to sign in to speak.

Commissioner Wooten commented this is not the time for Commissioners to respond, but reserve our comments to the designated Commissioners' session.

Chair Phillips stated we are only required to have public comments once a month, but she prefers we keep that the same.

It was the consensus of the Board to amend the rules when needed.

Commissioner Garner stated he does not want to cut anyone off who wishes to speak.

**\*Commissioner Garner made the motion to amend Item B of the guidelines for public comments. Commissioner Wooten seconded.**

It was the consensus of the Board to only answer direct questions.

**The Board voted 5-0.**

Chair Phillips stated that by a majority vote, the Board could suspend the rules.

Mr. Williams suggested changing the time allowed to speak from 5 minutes to 3 minutes.

Commissioner Wooten opposed the time limit change.

**\*Commissioner Wooten made the motion to leave the guidelines as presented except for the change to Item B. Commissioner Cornelius seconded. The Board voted 5-0.**

## **OPERATING STANDARDS FOR PUBLIC COMMENT**

Chairman will inform those wishing to speak during this portion of the meeting of the following conditions.

1. Limit each speaker to a five (5) minute time limit controlled by the Chairman
2. No more than 2 speakers for and 2 speakers against an issue. Any issue requiring a vote by the Board should be placed on the next agenda and information regarding the issue presented before the next meeting.
3. Each presentation shall be made in a civil and calm manner. Any speaker that verbally abuses any Board member or acts in a threatening manner will forfeit their privilege to speak and may be asked to leave.
4. A presentation may only be made by the same speaker on the same subject once in a 4 week period.

### **Regional Tourism**

Chair Phillips reviewed the purpose of The Regional Tourism Committee and how is it made up of counties from North Carolina and Virginia with each county contributing \$7,500. She suggested assigning two Commissioners to this committee to be sure of representation. The next meeting is January 19<sup>th</sup> and they are asking us to invite 8-10 people to attend this workshop.

The Board suggested the following people; Marti Utter-Spillman, Tim and Brenda Doub, Kim Bates, Bobby Todd, Rusty Crissman and Mechelle Crissman.

Commissioner Cornelius stated he may be able to attend.

**Chair Phillips called for a break.**

### **Water-updates/reports**

Randy Darden, Arcadis, welcomed the new Board members and invited them to call him anytime with questions. Mr. Darden reviewed the water and sewer projects; waterlines from Jonesville to West Yadkin with funding from DENR; construction should start late January-early February, Hwy 601 Extension running lines from Yadkinville to Courtney-Huntsville Road with a cost of \$1.8 million which includes lines to Advantage Machinery and the Huntsville Winery. He informed the Board that Courtney School does not

qualify under EDA requirements. Mr. Darden discussed extending water from West Yadkin to the I-77 Interchange. He discussed the issues with the proposed sewer line from Yadkinville to I-77 interchange. There will be two pump stations therefore deleting the force main lines. He commented the modifications to the plans would save approximately \$300,000 - \$350,000. The bids came in lower than anticipated with Jimmy Lynch & Sons being awarded both projects. Mr. Darden stated the changes have been discussed with Mr. Lynch. Mr. Darden stated he could come back to the next meeting and update the Board on the sewer projects.

Mr. Darden reviewed funding sources; Rural Development, NCDENR, Rural Center and the Golden Leaf Foundation. He suggested face to face meetings with firm commitments to move forward on projects for the County. He also discussed federal earmarks and strongly encouraged speaking with your representatives. Mr. Darden stated the County is making great strides to move forward. He discussed easements.

**\*Commissioner Wooten made the motion to direct Mr. Williams to move forward with sending out letters regarding the easements for all the projects. Commissioner Cornelius seconded. The Board voted 5-0.**

Chair Phillips reviewed the Capital Improvement Plan for Wastewater and the Water System Plan and inquired what would be the next priority. She discussed the water issue with East Bend.

Commissioner Wooten stated Jonesville is working on running lines to Boonville.

Mr. Darden suggested looking at the “Big Box” which includes East Bend, Boonville and Jonesville. He stated the more areas involved in the projects the better chance of obtaining funding. He discussed the inter-local agreement between the County and the Town of Jonesville and how the County needed to get the same kind of agreement with Yadkinville. He discussed the flushing of lines on Hwy 601. Mr. Darden stated residents needed to be notified that they can hook-on. He also discussed the leftover funds from EDA. Mr. Darden suggested the funds be spent on the lines to J.S. Myers Company because that would qualify under EDA requirements. Mr. Darden informed the Board that DENR would be enforcing stricter guidelines regarding environmental assessments.

The Board discussed the cost to run lines to J.S. Myers Company.

Mr. Darden informed the Board about a manhole on Mr. Pardue’s property and the possibility of replacing it with a fire hydrant.

**\*Commissioner Cornelius made the motion to run waterlines to J.S. Myers with mandatory hook-up. Commissioner Wagoner seconded.**

**\*Commissioner Wooten made a motion to amend the motion to direct Arcadis to do plans for Courtney Elementary School and the fire station using the savings from the other projects. Chair Phillips ruled the amendment out of order.**

Commissioner Garner stated he understood that Mr. Myers was going to pay for the lines if the connector was installed.

Chair Phillips stated he would have, but it would have been for personal use only and this way the County will benefit.

**The Board voted 5-0. Commissioner Wooten asked to abstain from the vote.**

Chair Phillips stated Randy Darden would attend the next meeting updating the Board on water projects, easements and an inter-local agreement with Yadkinville.

**\*Commissioner Wooten made the motion to direct Arcadis to do the necessary design and engineering work and prepare to go to bid as soon as possible to complete the waterline to Courtney School and the fire department. Funding will come from the savings from the sewer project, capital funds and the general fund balance. Commissioner Cornelius seconded.**

Chair Phillips stated the funding should come from the State Revolving Loan and not County funds.

The Board discussed funding for Courtney School.

Commissioner Wooten encouraged moving forward with the waterlines to Courtney Elementary School and use the savings from the water and sewer projects. He stated we should use County dollars before borrowing. He also added there are bad wells at several homes along this proposed line.

Mr. Darden stated he would prefer not to spend the “saved” money until the current projects are completed.

Commissioner Wooten stated the audit shows the County has the money.

**\*Commissioner Cornelius called for the question. The Board voted 5-0.**

**The Board voted 2-3 on the motion. Commissioners Wagoner, Cornelius and Phillips opposed.**

Mr. Williams stated he sent information to the COG regarding East Bend’s water issue.

### **Closed Session**

**\*Commissioner Garner made the motion to go in closed session per G.S. 143.318-11(a)(5) and to allow Kim Bates and Ken Larking to attend the session. Commissioner Cornelius seconded. The Board voted 5-0.**



**\*Commissioner Cornelius made the motion to come out of closed session. Commissioner Garner seconded. The Board voted 5-0.**

**Chair Phillips called for a break.**

### **Commissioner Assignments**

**Kim Clark Phillips-** YVEDDI, Library Board ( region & county)Watershed Review Board, Workforce Development Board , Piedmont Council of Government, Recreation Advisory, Regional Tourism. Fire Chief's Association

**Brady Wooten-** Communication E-911, Pre-Trial Release, Watershed Review Board, Health Board, JCPC Advisory Board, EMS Advisory

**Joel Cornelius-** Council on Aging, Mt. Airy Housing Authority, Child Fatality, Yadkin River Commission, DSS, Economic Development Council, Partnership for Children-Smart Start

**Tommy Garner-** YVEDDI, Pilot Review RC&D, Triad Partnership, Regional Tourism

**Chad Wagoner-** Crossroads LME, Communication E-911, EMS Advisory, Economic Development Council, Mt. Airy Housing Authority, Yadkin Health Alliance

### **Commissioner Comments**

**\*Commissioner Cornelius made the motion to appoint the following individuals to the Architectural Selection Committee for a new Yadkin County Jail facility: Eric Williams, Interim County Manager, Chair Kim Phillips, Commissioner Garner, Major Danny Widener, Roy Douglas, Vice President-Southern Community Bank and Joe Hennings, former President-John S. Clark Construction Co. It will be the responsibility of this committee to review and evaluate all Requests for Qualification submittals, conduct interviews and submit to the Yadkin County Board of Commissioners their choice for an architect on this project. In their selection process the committee should adhere to the recommendations of the "Selection Criteria" section of the Request for Qualifications approved by the Yadkin County Board of Commissioners on December 18, 2006. Commissioner Wagoner seconded.**

Mr. Williams suggested adding Steve Allan to the list. The Board took no action.

Commissioner Wooten stated his objection.

Chair Phillips stated we are under court order to follow through with the motion to build a new jail.

**The Board voted 4-1. Commissioner Wooten opposed.**

Commissioner Garner asked if the Tax Office could consider monthly payments for taxes rather than one lump sum at the end of the year.

Mr. Williams stated he would check with Ms. Adams.

Commissioner Wooten inquired about the applications for a permanent County Manager.

Attorney Graham stated the majority of the applications received have been from out of state with much higher salaries.

Ms. Vestal stated she would contact Robert Hester with the Association to see if he knew of any other candidates.

**\*Commissioner Wooten made the motion to list the job on the NACo website.  
Motion died lack of second.**

Commissioner Wagoner informed the Board the billing contract for EMS was signed for a 2 year period with a 9% billing rate.

Chair Phillips discussed the estimate Major Widener received on the air condition for the jail. She suggested setting aside \$25,000 to fix the air condition at the proper time.

Commissioner Wooten suggested getting more estimates.

Mr. Williams stated he would speak to Major Widener.

Chair Phillips suggested moving forward with fixing the roof at the AG building.

Chair Phillips stated the Jail Committee has completed their duties, therefore she suggested deactivating the committee.

**\*Commissioner Wooten made the motion to deactivate the Jail Committee.  
Commissioner Cornelius seconded. The Board voted 5-0.**

Chair Phillips reminded the Board of the NACO meeting in Washington.

### **Manager comments**

Mr. Williams reminded the Board of the joint meeting with the Planning Board on January 8<sup>th</sup> at 7:00 p.m.

Mr. Williams discussed the mail issue due to the recent fire.

Mr. Williams informed the Board of a letter from Key Risk (Workers Comp carrier) regarding the asbestos issue in the Tax Office.

Mr. Williams state he received a letter from DOT regarding the Secondary Road Hearing being held in the courthouse. He will check on the meeting location.

**Adjournment**

**\*Commissioner Wooten made the motion to adjourn. Commissioner Cornelius seconded. The Board voted 5-0.**

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Melinda Vestal, CMC  
Clerk to the Board